

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DERIOUS J. JOHNSON,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 05-237-KAJ
	:	
THOMAS L. CARROLL, Warden,	:	
and M. JANE BRADY, Attorney General	:	
of the State of Delaware,	:	
	:	
Respondents.	:	

**MOTION FOR EXTENSION OF TIME TO FILE
CERTIFIED STATE COURT RECORDS**

1. The petitioner, Derious J. Johnson, has applied for federal habeas relief challenging an October 2003 conviction by a Delaware Superior Court jury for the first degree rape of his seven-year-old daughter. D.I. 1; *see generally Johnson v. State*, No. 616, 2003, 2004 WL 1656497 (Del. July 20, 2004).

2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petition.

3. The respondents have been unable to obtain, copy and have certified state supreme court records from Dover in order to filed them contemporaneously with the answer. The undersigned anticipates obtaining, having certified, and copying the records within two weeks and intends on filing them immediately upon receipt. The undersigned thus requests until July 22, 2005 to copy, have certified and transport the records for filing with the Court in this case.

4. Respondents submit that an extension of time to and including July 22, 2005 in which to file certified copies of the material portions of the state court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/Thomas E. Brown
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
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Date: July 8, 2005

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THOMAS L. CARROLL , Warden,	:	
and M. JANE BRADY , Attorney General	:	
of the State of Delaware,	:	
	:	
Respondents.	:	

ORDER

This _____ day of _____, 2005,

WHEREAS, respondents having requested an extension of time in which to file certified portions of the state court records, and

WHEREAS, it appearing to the Court that the requested extension is timely and good cause has been shown for the extension,

IT IS HEREBY ORDERED that respondents shall file certified portions of the state court records on or before July 22, 2005.

United States District Judge

CERTIFICATE

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Thomas E. Brown
Deputy Attorney General
Del. Dept. of Justice

Counsel for Respondents

Date: July 8, 2005

CERTIFICATE OF SERVICE

The undersigned, being a member of the Bar of this Court, hereby certifies that on July 8, 2005 he caused to be electronically filed the attached document (motion for extension of time to file state court records) with the Clerk of the Court using CM/ECF. I hereby certify that on July 8, 2005 I have also caused to be mailed by first class U.S. Mail two copies of the document to the following non-registered participant, the petitioner:

Derious J. Johnson (No. 00180324)
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977.

/s/ Thomas E. Brown
Deputy Attorney General
Del. Dept. of Justice

Counsel for Respondents

Date: July 8, 2005